

1-11
3/10/23
Galveston
GOVERNOR'S OFFICE

AUSTIN, TEXAS,
March 30, 1923.

Hon. S. L. Staples
Secretary of State
Capitol Building
Austin, Texas

Dear Mr. Secretary:

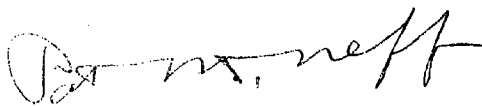
I have vetoed and am sending herewith as provided by law, to be filed by you, Senate Bill No. 160. The purpose of this Bill is to change the mode of executing the death penalty from hanging to that of electrocution. Under its provisions all persons condemned to death, whether for crime committed before the bill becomes a law or thereafter, are to be executed by electrocution by the warden of the State Penitentiary at Huntsville. It specifically repeals certain enumerated articles of the Code of Criminal Procedure relating to the sentence of death by hanging.

There can be no valid objection against the State changing the execution of the death sentence from hanging to electrocution. If this Bill, however, should become a law, it is drawn in such a way that there is no provision to take care of those convicts of the State who have already been sentenced to death by hanging. The bill as it is drawn is retroactive and undertakes to change the punishment and manner of executing the death sentence already passed on a considerable number of people heretofore convicted for capital offenses and adjudged to hang. It is almost certain, as certain as almost any question of law, that should this Bill as it is drawn become a law at this time, that those in the State who have already been convicted and the death penalty assessed against them,

could neither be hanged nor electrocuted. They could not be hanged, because this law would repeal those provisions of the law providing for the execution of the death sentence by hanging, and the condemned person could legally object to his death sentence being executed by electrocuting him, for the reason that he was not tried, convicted, or sentenced to be put to death by electrocution, but by hanging.

We are not passing on the merits of the Bill; we are inclined to be in sympathy with its purposes, but we are forced from a sense of duty to veto it, in order that there may be no hitch in carrying out the execution of the death sentence against a considerable number in Texas who have already been tried and the punishment assessed at death by hanging.

Respectfully,

A handwritten signature in dark ink, appearing to read "James M. Neff". The signature is fluid and cursive, with the first name "James" written in a more compact, stylized manner, and "M. Neff" following in a similar cursive style.

Governor